

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION

PEGGY A. HALES,

Plaintiff,

v.

Civil Action Number 4:11cv28

CITY OF NEWPORT NEWS, et al.,

Defendants.

DEFENDANT BRIGGS'S REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS

COMES NOW Justin Briggs, by counsel, and as and for his Reply Brief in support of his Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure states as follows:

On Monday, February 28, 2011, plaintiff served a brief opposing this defendant's motion to dismiss. As near as makes no difference, the brief filed by plaintiff mirrors that filed in opposition to the motion to dismiss of the defendants City, Morgan, and Fox. As such, this defendant here incorporates by reference, as if set forth in full, the arguments offered by the defendants City, Morgan and Fox in their reply brief to plaintiff's opposition. This defendant further relies on the arguments offered in his opening brief in support of his motion to dismiss.

Importantly, plaintiff's instant submission does not squarely address any of the Complaint's deficiencies detailed in this defendant's opening brief. Plaintiff does not shed any light in opposition to the arguments related to the sufficiency of the pleadings,

plausibility, qualified immunity, or state law. Instead, plaintiff repeats the facts asserted in the Complaint, with a sprinkling of additional unpleaded factual assertions, and recites the law she contends applies in conclusive fashion. In the absence of a meaningful rebuttal tailored to the arguments advanced by this defendant, it is clear that Briggs's previously filed motion to dismiss should be granted, and this action dismissed.

JUSTIN BRIGGS

By /s/
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CERTIFICATE

I hereby certify that on March 2, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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